IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22174 of 2004

Between:

1 V. Sudham Prasad, S/o. Subba Rao,
Bhimavaram, W.G. District.
2 V. Sashidar, S/o. V. Sudham Prasad,
Bhimavaram, W.G.District.

..... PETITIONERS

AND

1 A.P. Housing Board, rep. by its Vice-Chairman-cum- Housing

Commissioner, Gruhakalpa, M.G. Road, Hyd.
2 The Executive Engineer, A.P. Housing Board, Tadepalligudem,

WG.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue order or orders, direction or directions, writ or writs, particularly one in the nature of writ of mandamus and declare the action of the respondents in issuing provision order vide case No.40/CA/A10/BVM/2004, dt. 10.9.2004 and case No.42/CA/A10/BVM/2004, dt. 10.9.2004, wherein imposing penal interest of Rs. 1,44,960/- and Rs. 67,340/- respectively, in issuing the circular Lr.No. A2/EE/TPG/BHVM-Ph. III/2000, dt. 12.07.2000, on the petitioners is as illegal, arbitrary and in contrary to filing in W.P. No. 9285 of 2004 by this Hon'ble Court.

Counsel for the Petitioners: MR.K.L.N.SWAMY

Counsel for the Respondents: Mr. J. Prabhakar

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioners and learned counsel for the respondents.

This Court is vexed with the instances of issuance of orders and notices by various authorities without even indicating the dates. This is one such instance.

The competent authority of the A.P. Housing Board issued two notices to the petitioners, which contain only the month and the year without any date. When the liability is fastened on the petitioners under Sections 52 and 53 of the A.P. Housing Board Act, 1956, the minimum, required of the said competent authority was to indicate the date. Several consequences flow from the date of order, be it in the context of availing the remedy of appeal or for calculation of the time for taking further steps.

On this short ground, the writ petition is allowed and the impugned notices are set aside. It shall be open to the competent authority to issue fresh orders, duly applying the mind to the facts of the case. No order as to costs.

07.12.2004

ksld

To

1 Vice Chairman-cum-Housing Commissioner, A.P. Housing Board,

Gruhakalpa, M.G. Road, Hyd.
2 The Executive Engineer, A.P. Housing Board, Tadepalligudem,

WG.District.

3 Two CD copies.